

COMMONWEALTH OF MASSACHUSETTS

US DISTRICT COURT DEPARTMENT  
MASSACHUSETTS DIVISION  
DOCKET #: 1:05-cv-10434-GAO

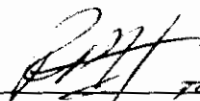
RIZZARI CONSTRUCTION, )  
Plaintiff )  
v. )  
GRANITE INDUSTRIAL GASES )  
INC., and TODD MILLER, )  
individually )  
Defendants )

**AFFIDAVIT IN SUPPORT OF  
ASSENTED MOTION TO CONTINUE**

Now comes Richard P. Heartquist who, under oath, deposes and states the following:

1. Plaintiff's Counsel will be on a family vacation out of the state on the scheduled trial date.
2. The Defendant's attorney has been notified of this motion and asserts.
3. This is the first continuance of this trial requested by counsel for the plaintiff

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 14<sup>ST</sup> DAY OF JUNE  
2005

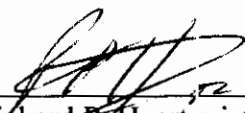
  
\_\_\_\_\_  
Richard P. Heartquist

CERTIFICATE OF SERVICE

I, Richard P. Heartquist, attorney for the Defendant, hereby certify that I have this date caused a true copy of the above documents (Asserted Motion to Continue and Supporting Affidavit) to be served upon the parties listed below by first class mail, postage pre-paid:

Timothy Bray  
300 Brickstone Square  
PO Box 39  
Andover, MA 01810

Dated: June 14, 2005

  
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Richard P. Heartquist